

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

05/13/2009

HONORABLE DEAN M. FINK

CLERK OF THE COURT

R. Peck

Deputy

IN RE THE MATTER OF
STEPHEN MICHAEL BARTON

STEPHEN MICHAEL BARTON
29639 N BALMORAL PL
QUEEN CREEK AZ 85243

AND

HEATHER LINES

HEATHER LINES
950 N GILBERT RD # 110
GILBERT AZ 85234

MINUTE ENTRY

Prior to the commencement of the proceeding, Petitioner's exhibits 1 through 11 are marked for identification. Stephen Barton and Heather Lines are sworn.

Courtroom 1202--Central Court Building

9:06 a.m. This is the time set for Trial. Petitioner/Father is present on his own behalf. Respondent/Mother is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

THE COURT NOTES that Mother failed to appear to the High Conflict Parental Resolution Class.

IT IS ORDERED that Mother shall complete the High Conflict Parental Resolution Class no later than 60 days from today. Until she completes this course, Mother shall be precluded from filing a Petition to Enforce or Modify Child Custody or Parenting Time.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

05/13/2009

On the Court's own motion the Rule of Exclusion of Witnesses is invoked and the following persons are sworn and excused: Marjean Lines.

Stephen Barton, previously sworn, testifies.

Petitioner's exhibit 11 is received in evidence.

Petitioner's exhibits 1, 2, and 3 are received in evidence.

Petitioner's exhibit 5 is received in evidence.

Heather Lines, previously sworn, testifies.

Closing statements are presented to the Court.

IT IS ORDERED that Father shall provide Mother with a current insurance card for the minor child no later than 60 days from today.

IT IS FURTHER ORDERED taking the matters presented under advisement.

10:43 a.m. Matter concludes.

LATER:

To determine custody the Court shall consider the following factors:

A.R.S. §25-403 (1): the wishes of the child's parent or parents as to custody.

THE COURT FINDS that Father would like custody to remain the same: sole custody to Father.

Mother would like joint legal custody.

A.R.S. §25-403 (2): the wishes of the child as to the custodian.

THE COURT FINDS that Hanna is too young to express a meaningful opinion on this matter.

A.R.S. §25-403 (3): the interaction and the interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interests.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

05/13/2009

THE COURT FINDS that Hanna has a good relationship with Father, and has extended friends and family there.

Hanna also has a good relationship with Mother and has friends and extended family on Mother's side.

A.R.S. §25-403 (4): the child's adjustment to home, school and community.

THE COURT FINDS that Hanna appears to be well-adjusted in both parents' homes.

Mother had demonstrated a lack of responsibility in following through with some of Hanna's needs and/or with Court orders.

Father has Hanna's best interest at heart, but is overly controlling and needs to let go of a certain amount of anger towards Mother.

A.R.S. §25-403 (5): the mental and physical health of all individuals involved.

THE COURT FINDS that Hanna appears to have some developmental delays regarding her speech abilities. No other significant health issues are noted for any of the parties.

A.R.S. §25-403 (6): which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.

THE COURT FINDS that both parents are likely to allow frequent and meaningful contact with Hanna.

A.R.S. §25-403 (7): whether one parent, both parents or neither parent has provided primary care of the child.

THE COURT FINDS that both parties have provided primary care of Hanna at different points of time.

A.R.S. §25-403 (8): the nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.

THE COURT FINDS that no agreements were reached by the parties.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

05/13/2009

A.R.S. §25-403 (9): whether a parent has complied with chapter 3, article 5 of this title.

THE COURT FINDS that both parties have completed the Parent Information Program Class. Both were ordered to take the High Conflict Parent Resolution Class. Father took the class; Mother has not.

A.R.S. §25-403 (10): whether either parent was convicted of an act of false reporting of child abuse or neglect under §13-2907.02.

THE COURT FINDS that neither parent has been convicted of such a crime.

In a contested custody case, the Court shall make specific findings on the record about all relevant factors and the reasons for which the decision is in the best interests of the child.

Both parents have been convicted of domestic violence violations in the past.

The Court does not find that there has been a significant change in circumstances that warrants a change in legal custody. Therefore,

IT IS ORDERED affirming the Court's prior award of sole legal custody of Hanna (DOB: 12/10/04) to Father.

School Year Parenting Time

Mother will have parenting time with the child every weekend from Friday at 3:00 pm to Sunday at 10:00 am, except for the 1st weekend of every month when Mother will have the child until 7:00 p.m. on Sunday. If the child is not in school on Friday, Mother's visitation will begin on Thursday night at 5:00 pm.

Summer Parenting Time

The parties will share equal parenting time during the summer. Each parent will have the child in their care on a week on/week off basis, from Friday at 6:00 pm to the following Friday at 6:00 pm, with Father getting the first week of summer parenting time and switching weekly thereafter until school begins.

IT IS ORDERED that the parties shall observe the following holiday schedule, which shall supersede the regular parenting time schedule:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

05/13/2009

Christmas/Christmas Eve: In odd years, Father shall have the minor child from 10:00 a.m. on Christmas Eve until 10:00 a.m. on Christmas Day. Mother shall have the minor child from 10:00 a.m. Christmas Day until 6:00 p.m. on December 26. In even years, Mother shall have the minor child from 10:00 a.m. on Christmas Eve until 10:00 a.m. on Christmas Day. Father shall have the minor child from 10:00 a.m. Christmas Day until 6:00 p.m. on December 26.

The minor child's Birthday: this holiday will be defined as 6:00 p.m. the day of the child's birthday (or after school, when the minor child is in school until 9:00 a.m. (or return to school, when the minor child is in school) the following day. Father will have the minor child's birthday in odd years, and Mother will have the minor child's birthday in even years. The parent who does not have the minor child on his birthday will be expected to celebrate the minor child's birthday either before or after the minor child's birthday during their own parenting time.

Fall Break: Once the minor child begins school, and if offered by the minor child's school, Fall Break will be spent with Father in even years and with Mother in odd years.

Spring Break: Once the minor child begins school, Spring Break will be spent with Mother in even years and with Father in odd years.

Thanksgiving weekend: In even years, the minor child will spend from Wednesday at 6:00 p.m. until Friday at 9:00 a.m. with Father. The minor child will spend from Friday at 9:00 a.m. until Sunday at 6:00 p.m. with Mother. In odd years, the minor child will spend from Wednesday at 6:00 p.m. until Friday at 9:00 a.m. with Mother. The minor child will spend from Friday at 9:00 a.m. until Sunday at 6:00 p.m. with Father.

Halloween: Halloween shall be spent with Mother in even years and with Father in odd years. Halloween is defined at 9:00 a.m. (or, after school when the minor child is in school) on October 31, until 9:00a.m. (or return to school) on November 1.

Easter: The minor child shall spend Easter with Father in even years and with Mother in odd years. Easter is defined as 6:00 p.m. on the Saturday before Easter until 6:00 p.m. on Easter Sunday.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

05/13/2009

4th of July: The minor child shall spend Independence Day with Mother in even years and with Father in odd years. This holiday is defined as 9:00 a.m. on July 4 until 9:00 a.m. on July 5.

Mother's Day: The minor child shall spend Mother's day every year with Mother. This holiday is defined as 6:00 p.m. on the Saturday before Mother's Day until 6:00 p.m. on Mother's Day.

Father's Day: The minor child shall spend Father's day every year with Father. This holiday is defined as 6:00 p.m. on the Saturday before Father's Day until 6:00 p.m. on Father's Day.

Each parent may have the minor child on his/her own birthday from 6:00 p.m. (or end of school, once the minor child begins school) until 9:00 p.m.

All other holidays shall abide the regular parenting time schedule, absent agreement of the parties otherwise.

IT IS FURTHER ORDERED approving and settling the formal written Child Support Order signed by the Court on May 13, 2009 and filed (entered) by the Clerk on May 15, 2009.

FILED: Child Support Worksheet

IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ Dean Fink

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.